

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aboul-Hosn et al.

Group Art Unit: Unknown

Serial No.: Unknown

Examiner: Unknown

Filed: Unknown

For: Pulmonary and Circulatory Blood Flow Support Devices and Methods for Heart Surgery Procedure

Commissioner of Patents and Trademarks  
Washington, D.C. 20231TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is mandatory.)  
Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 19 February 2002, in an envelope as 'Express Mail Post Office to Addressee' mailing Label Number EL 8891466386A addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Peggy Pechulis

(type or print name of person mailing paper)

Signature of person mailing paper



NOTE "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

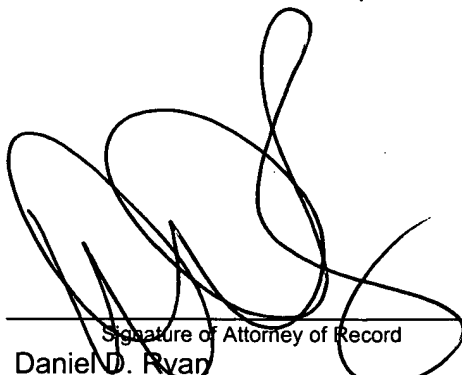
**COPIES OF THE DOCUMENTS LISTED ON THE ATTACHED FORM PTO-1449 CAN BE FOUND IN THE FILE WRAPPER OF PARENT APPLICATION SERIAL NO. 09/231,320 FILED 13 January 1999 AND ARE THEREFORE NOT INCLUDED WITH THIS SUBMISSION.**

Should any fees be necessary in connection with this submission, please charge same to Account No.

Date 19 February 2002

Reg. No. 29,243

Telephone No.: (262) 783-1300



Signature of Attorney of Record

Daniel D. Ryan

Type or Print Name of Attorney of Record

**RYAN KROMHOLZ & MANION, S.C.**

**Post Office Box 26618**

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Substitute for form 1449A/PTO			Complete if Known		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	UNKNOWN	
			Filing Date	UNKNOWN	
			First Named Inventor	Walid Najib Aboul-Hosn	
			Group Art Unit	UNKNOWN	
			Examiner Name	Unassigned	
Sheet	1	of	3	Attorney Docket Number	9261.16756-CIP CON

 J1017 U.S. PTO  
 10/079053  
 02/19/02

U.S. PATENT DOCUMENTS						
Examiner Initials'	Cite NO.'	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-OD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code2 (if known)			
		3,487,784		E.H. Rafferty	Jan, 6 1970	
		3,626,947		Charles Howard Sparks	Dec. 14, 1971	
		3,995,617		David H. Watkins, et al.	Dec. 7, 1976	
		4,086,665		Victor L. Poirier	May 2, 1978	
		4,108,161		Peter B. Samuels, et al.	Aug. 22, 1978	
		4,118,806		Victor L. Poirier, et al.	Oct. 10, 1978	
		4,173,981		J.D. Mortensen	Nov. 13, 1979	
		4,548,597		Duane M. Nelson	Oct. 22, 1985	
		4,625,712		Richard K. Wampler	Dec 2, 1986	
		4,704,121		John C. Moise	Nov. 3, 1987	
		4,753,221		Kenneth Kensey, et al.	Jun. 28, 1988	
		4,769,031		Edwin C. McGough, et al	Sept. 6, 1988	
		4,817,586		Richard K. Wampler	April 4, 1989	
		4,846,152		Richard K. Wampler, et al.	Jul. 11, 1989	
		4,898,518		Lloyd C. Hubbard, et al.	Feb. 6, 1990	
		4,944,722		John W. Carriker, et al.	July 31, 1990	
		4,955,856		Steven J. Phillips	Sept. 11, 1990	
		4,985,014		Wilmo C. Orejola	Jan 15, 1991	
		5,019,102		Eberhard Hoene	May 28, 1991	
		5,061,256		Richard K. Wampler	Oct. 29, 1991	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite NO.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Ts
		Office3	Number4				
		WO	89/10763	Nimbus Medical Inc.	11/16/1989		
		EP	0 445,782	Misuzu Industries Corp.	09/11/1991		
		CA	2037622	Misuzu Industries Corp.	1991		
		EP	0 478,635	University of Minnesota	04/08/1992		
		EP	0 629,412	Ymazaki, Shunichi, et al.	12/21/1994		
		EP	0 659,443	Ymazaki, Kenji, et al.	06/28/1995		
		WO	96/18358	Jarvik, Robert	06/20/1996		
		WO	97/02850	RDC Rafael Devl. Corp.	01/30/1997		
		EP	0 768 091	Sun Medical Tech. Research Corp.	04/16/1997		
		WO	97/37698	Rau, Gunter., et al	10/16/1997		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<i>Complete if Known</i>		
			Application Number	UNKNOWN	
			Filing Date	UNKNOWN	
			First Named Inventor	Walid Najib Aboul-Hosn	
			Group Art Unit	UNKNOWN	
			Examiner Name	UNKNOWN	
Sheet	2	of	3	Attorney Docket Number	9261.16756-CIP CON

U.S. PATENT DOCUMENTS						
Examiner Initials'	Cite NO.'	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-OD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code2 (if known)			
		5,112,349		David P. Summers	May 12,1992	
		5,295,958		Leonid Shturman	March 22,1994	
		5,376,114		Robert Jarvick	Dec. 27,1994	
		5,449,342		Teruo Hirsoe, et al.	Sept. 12,1995	
		5,599,329		Sholomo Gabbay	Feb. 4,1997	
		5,647,358		Joseph Vilasi	Jul. 15,1997	
		5,688,245		Thomas M. Runge	Nov. 18,1997	
		5,746,709		Paul F. Rom., et al.	May 5,1998	
		5,718,678		James Anthony Fleming	Feb. 17,1998	
		5,755,784		Robert Jarvick	May 26,1998	
		5,766,209		Marian A. Devonec	Jun 16,1998	
		5,785,686		Thomas M. Runge	July 28,1998	
		5,827,220		Thomas M. Runge	Oct. 27,1998	
		5,851,174		Robert Jarvick	Dec. 22, 1998	
		5,921,913		Thorsten Siess	July 13, 1999	
		5,965,089		Robert Jarvick, et al.	Oct. 12,1999	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite NO.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Ts
		Office3	Number4	Kind Code5 (if known)				
		WO	98/14225		Alesi, Daniel E., et al	04/09/1998		
		WO	98/53864		Cardinove Inc.	12/03/1998		
		RU	286145		Kulik Ya. P.	1/15/1971		
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

† Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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<p>Substitute for form 1449B/PTO</p> <h2 style="margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="margin: 0;">(use as many sheets as necessary)</p>			<b>Complete if Known</b>	
			Application Number	UNKNOWN
			Filing Date	UNKNOWN
			First Named Inventor	Walid Najib Aboul-Hosn
			Group Art Unit	UNKNOWN
			Examiner Name	UNKNOWN
Sheet	1	of	3	Attorney Docket Number <b>9261.16756-CIP CON</b>

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>2</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2
		P.E. ALLAIRE, H.C. KIM, E.H. MASLEN, D.B. OLSEN, and G.B. BEARNSON, "Prototype Continous Flow Ventricular Assist Device Supported on Magnetic Bearings" <i>Artificial Organs, Vol 20, No. 6, 1996 pgs. 582 - 590, Blackwell Science, Inc. Boston</i>	

Examiner Signature	Date Considered
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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